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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,837	10/24/2003	James A. Gavney JR.	JAG-00113	9227
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HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086				
			EXAMINER CHIN, RANDALL E	
			ART UNIT	PAPER NUMBER

1744

DATE MAILED: 12/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,837	Applicant(s) GAVNEY ET AL.	
	Examiner Randall Chin	Art Unit 1744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6,12,14,16,19-21 and 25-33 is/are pending in the application.
- 4a) Of the above claim(s) 1,2,4,6,12,14,16,19,26,27,31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20,21,25,28-30 and 33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claim 1 (along with dependent claims 2, 4 and 6) is being withdrawn from consideration as not readable on the elected species of Figs. 1B and 5A (see Office Action mailed 01 June 2005) since claim 1 recites "wherein a portion of the bristles protruding from the first support surface and the second support surface flank opposed sides of the elongated walls" (lines 12-13) which is not disclosed in elected Fig. 1B. Note, claim 1 never recites that the "second region" 135 (see Fig. 1B) includes a squeegee element. **Consistent terminology** should be used for a clear and accurate understanding of the scope of the claimed invention.

Claim 12 (along with dependent claims 14, 16 and 19) is being withdrawn from consideration as not readable on the elected species of Figs. 1B and 5A (see Office Action mailed 01 June 2005) since claim 12 recites "wherein a portion of the bristles protruding from the first support surface and the second support surface flank opposed sides of the curved elongated walls" (lines 12-14) which is not disclosed in elected Fig. 1B. Note, claim 12 never recites that the "second region" 135 (see Fig. 1B) includes a squeegee member. **Consistent terminology** should be used for a clear and accurate understanding of the scope of the claimed invention.

Claim 26 (along with dependent claim 27) is being withdrawn from consideration as not readable on the elected species of Figs. 1B and 5A (see Office Action mailed 01 June 2005) since claim 26 recites "the second support surface having bristles protruding therefrom a portion of which boarder [sic] the curved wiping edge" (lines 8-9)

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which is not disclosed in elected Fig. 1B. Note, claim 26 never recites that the “second support surface” at 135 (see Fig. 1B) includes a squeegee element.

Claim 31 (along with dependent claim 32) is being withdrawn from consideration as not readable on the elected species of Figs. 1B and 5A (see Office Action mailed 01 June 2005) since claim 31 recites “wherein the bristles surround at least a portion of the continuous and substantially circular squeegee element” (lines 7-8) which is not disclosed in elected Fig. 1B since the bristles of the “second region” 135 **do not surround** at least a portion of the continuous and substantially circular squeegee element 137 of the first region 131 (see Fig. 1B).

Claim Objections

2. Claims 12, 25, 26, 29, 30 and 33 are objected to because of the following informalities:

Claim 12 (although withdrawn), line 6, “from” should read –form--. Also, on line 14, “curved elongated” should read –elongated curved-- for consistency purposes.

Claim 25, line 4, it appears a comma should be inserted after “second wiping region” for clarity. Also, on line 8, it appears a comma should be inserted after “top wiping edge” for clarity.

Claim 26 (although withdrawn), lines 5 and 9, “boarder” should read –border--.

Claim 29, line 2, “bristle” should read –bristles--.

It appears claim 30 should depend on claim 29.

Claim 30, line 2, “bristle” should read –bristles--.

Claim 33, line 5, "supports" (both occurrences) should read –support--.

Claim 33, line 8, "supports" should read –support--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 20 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Tsang 6,032,313 (hereinafter Tsang '313).

Tsang '313 teaches with respect to claim 20, a cleaning device in Fig. 7 comprising a cleaning head which appears to be detachable comprising a first section that would have some type of "first" support surface configured to automatically rotate or oscillate while coupled to "a motorized handle" 39, 40, and a second section that would also have some type of "second" support surface surrounding the first section and being configured to automatically rotate or oscillate while coupled to "a" motorized handle 39, 40 (although never positively recited), wherein the second section is configured to automatically rotate or oscillate in a direction that is different (see arrows of Fig. 7) from that of the first section, and wherein both the first support surface and the second support surface each have a "squeegee" wiping element 45, 46 protruding therefrom.

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Clearly, **any** element(s) supporting the squeegees 45, 46 for opposite rotation as shown in Fig. 7 can be considered a “support surface.”

As for claim 28, Tsang '313 teaches a device comprising a cleaning head, the cleaning head comprising a first support surface with a first “squeegee element” 45 comprising a continuous wiping edge configured to treat a working surface, the first support surface being configured to move, and a second support surface with a second “squeegee” element 46 configured to simultaneously treat the working surface, wherein at least one of the first support surface and the second support surface is configured to automatically move independently and separately of the other of the first support surface and the second support surface (Fig. 7) while the cleaning head is coupled to “a motorized handle” 39, 40 (although never positively recited). Clearly, **any** element(s) supporting the squeegees 45, 46 for opposite rotation as shown in Fig. 7 can be considered a “support surface.”

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsang '313 in view of Armbruster '605 (hereinafter Armbruster '605).

Tsang '313 teaches all of the recited subject matter as shown in Fig. 7 with the exception of the device further comprising bristles. Armbruster '605 teaches the concept of utilizing both a sponge (i.e., squeegee) and bristles in combination for a cleaning disc device (col. 8, lines 13-17). It would have been obvious to one of ordinary skill in the art to have modified Tsang's cleaning device such that the device further comprises bristles as suggested by Armbruster '605 for improving the abrasive scrubbing power of the cleaning device.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 25 and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Braun 2004/0154112 (hereinafter Braun '112).

At the outset, Braun '112 is deemed to qualify as prior art as Applicant does not appear to receive the benefit of the 01/10/2003 priority date of Provisional Application No. 60/439,317. Note, Applicant mentions "Provisional Application No.60/330,317" (see p. 9, Remarks in the 24 October 2005 amendment) which number appears to be in error. In any case, Provisional Application No. 60/439,317 does not appear to provide any support for that disclosed in **elected Figs. 1B and 5A, particularly, Fig. 1B (namely, counter-rotating sections).**

Braun '112 discloses with respect to claim 25 in the Fig. 1 embodiment, for example, a device comprising a cleaning head comprising a first support surface defined by head 16 with a "first wiping region" defined just by the bristles 18 and a second support surface with a "second wiping region" defined by cup member 20, wherein the "first wiping region" surrounds the "second wiping region" 20 and the first support surface and the second support surface are configured to "move automatically and separately from each other" (**paragraph [0030]**), wherein at least one of the "first wiping region" and the "second wiping region" comprises a squeegee element formed by cup member 20 with elongated walls that protrude to form a top wiping edge (Fig. 1) and at least one of the "first wiping region" and the "second wiping region" comprises bristles 18. Bristles can also perform a "wiping" function. Clearly, **any** element(s) supporting the cup member 20 can be considered a "support surface" (**paragraph [0030]**).

As for claim 33, Braun '112 teaches an electric toothbrush with a cleaning head 912 in the Fig. 10 embodiment, the cleaning head comprising a first support surface having a "continuous" and substantially circular squeegee (**paragraphs [0011], [0044] and [0045]**) element 922 that "encircles" nubs or bristles 924 protruding from the first support surface and wherein the first support surface is configured to rotate or oscillate, and a second region with a second support surface defined by the head itself configured to automatically move independently from the first support surface(**paragraph [0030]**), the second support surface having at least one of a squeegee, bristle tufts and nodules protruding therefrom, namely bristle tufts. To the extent as to what Applicant is intending

the terms "continuous" and "encircles" to mean, Figs. 12 or 15b shows such claimed features. Clearly, **any** element(s) supporting the cylindrical base 922 to spin on it's own axis can be considered a "support surface" (paragraph [0030]).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communication from the Examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The Examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the Examiner are unsuccessful, the Examiner's supervisor, Richard Crispino, can be reached at (571) 272-1226. The number for Technology Center 1700 is (571) 272-1700.

The central fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



R. Chin



Randall Chin
Primary Examiner
Art Unit 1744